

IN RE: PETITION FOR ZONING VARIANCE
DE/S Dogwood Drive, 192.27' W
of Pinewood Drive
(8210 Dogwood Drive)
12th Election District
7th Councilmanic District
Robert R. McMillan, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-232-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) height of 17'6" in lieu of the maximum permitted 15' in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mr. McMillan, appeared, testified and were represented by Mark A. Faber, Esquire. There were no Protestants.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 To allow an accessory structure (garage) height of 17 ft. 6 in. in lieu of the permitted 15 ft.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The better roof pitch which I am asking for will give me more storage space--this difference is only a 2'6" increase. This will not result in any other changes that can really be seen from the street.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Robert R. McMillan Jr.
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Mark A. Faber
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State

Attorney's Telephone No.: 539-4676

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of October, 1988, that the subject matter of this petition be advertised, as out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of December, 1988, at 9 o'clock

MARK A. FABER
ATTORNEY AT LAW

J. Robert Haines
Zoning Commissioner, Baltimore County

er; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

ORDER RECEIVED FOR FILING
DATE 11/18/88
BY J. Robert Haines

Description of Property:
BEING KNOWN AND DESIGNATED as Lots No. 264,265,266, as shown on Plat of Potomac Beach, recorded among the Land Records of Baltimore County in Plat Book 7, Vol. 10, Folio 88.

The Improvements thereon being known as No. 8210 DOGWOOD DRIVE.

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 28, 1988.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 24, 1988.

THE JEFFERSONIAN,

S. Zube Orlean
Publisher

PO 05899
reg M26456
case 89-232-A
price \$41.25

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, at 9:00 a.m. on Thursday, December 15, 1988, at 9:00 a.m.
Petitioner: Robert R. McMillan, Jr., et ux
Case number: 89-232-A
12th Election District
7th Councilmanic District
In the event that the Petitioner is granted a building permit, the subject property shall be subject to the provisions of the Zoning Act and Regulations of Baltimore County, and the Petitioner shall be responsible for the payment of the applicable fees and charges.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of January, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) height of 17'6" in lieu of the maximum permitted 15', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities;
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

ORDER RECEIVED FOR FILING
DATE 11/18/88
BY J. Robert Haines

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
November 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case # 89-232-A - P.O. #05898 - Reg. #m20457 - 98 lines # \$49.00. Was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week, 24th day of November 1988; that is to say, the same was inserted in the issues of November 23, 1988

Kimbel Publication, Inc.
per Publisher.

By K.C. Dilke

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th
Posted for: 12/18/88
Petitioner: Robert R. McMillan, Jr., et ux
Location of property: 8210 Dogwood Dr., Towson, Md. 21222
Location of Sign: 8210 Dogwood Dr., Towson, Md. 21222
Remarks: 12/18/88
Posted by: J. Robert Haines
Number of Signs: 1

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 25, 1988, attached hereto and made a part hereof.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
DATE 11/18/88
BY J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-8833
Date: 12/1/88
Mr. & Mrs. Robert R. McMillan, Jr.
8210 Dogwood Drive
Baltimore, Maryland 21222
Re: Petition for Zoning Variance
CASE NUMBER: 89-232-A
8210 Dogwood Drive, 192.27' W Pinewood Drive
(8210 Dogwood Drive)
12th Election District - 7th Councilmanic
Petitioner(s): Robert R. McMillan, Jr., et ux
HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.*

Dear Mr. & Mrs. McMillan:

Please be advised that \$105.25 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, 15 minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 659088
DATE 12/1/88	ACCOUNT RCH:MS-COC	
AMOUNT \$ 115.25		
RECEIVED FROM Robert R. McMillan, Jr.		
FOR 12/1/88/88		
b 89-232-A		
VALIDATION OR SIGNATURE OF CASHIER		

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 3, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-232-A
NE/S Dogwood Drive, 192.27' W Pinewood Drive
(8210 Dogwood Drive)
12th Election District - 7th Councilmanic
Petitioner(s): Robert R. McMillan, Jr., et ux
HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.*

Variance to allow an accessory structure (garage) height of 17 ft.
6 in. in lieu of the permitted 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. McMillan, Jr.
Mark A. Faber, Esq.
Chesapeake Bay Critical Area Commission
File

NOTE:
IF PHASE II OF THE SNOW
EMERGENCY PLAN IS IN
EFFECT IN BALTIMORE COUNTY
BY 8:30 a.m. ON THE DATE
OF THE ABOVE HEARING,
SUCH HEARING WILL BE
POSTPONED AND TENTATIVELY
RESCHEDULED FOR THURSDAY,
JANUARY 12, 1989. PLEASE
TELEPHONE DORNEY CLERK
AT 494-3391 or 897-3391
TO CONFIRM DATE.

Baltimore County
Fire Department
Towson, Maryland 21204-2556
494-4500

Paul H. Reincke
Chief

November 10, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Robert R. McMillan, Jr., et ux
Critical
Location: 8210 Dogwood Road
Item No.: 129

Zoning Agenda: Meeting of 10/11/88

Gentlemen:

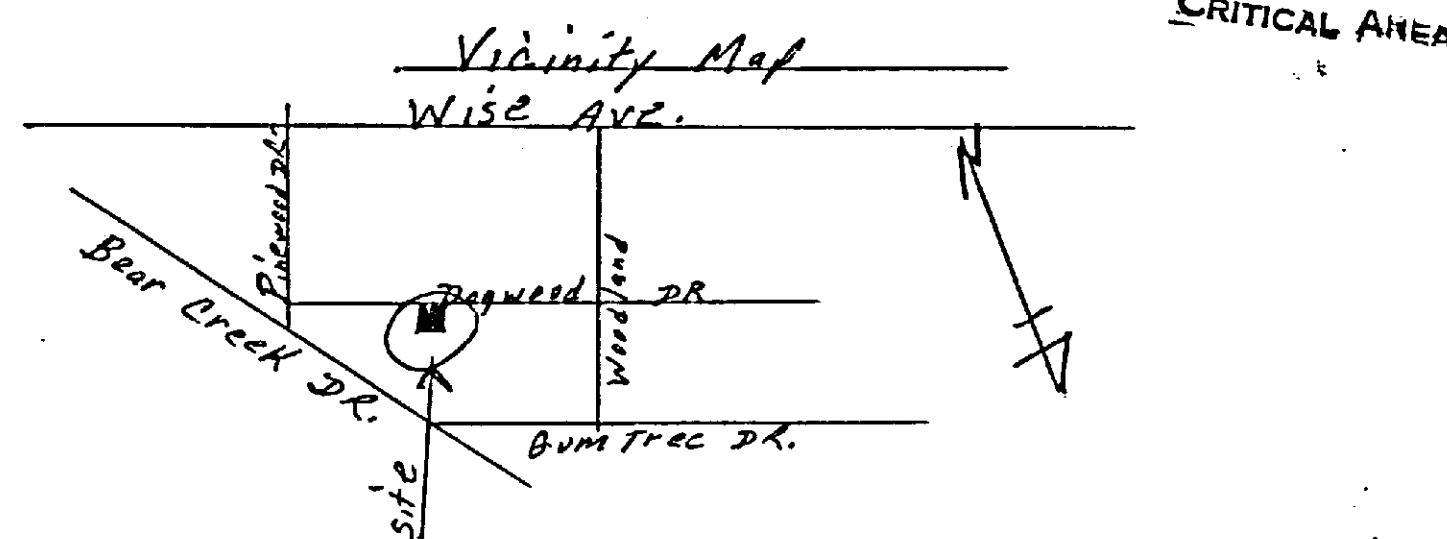
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

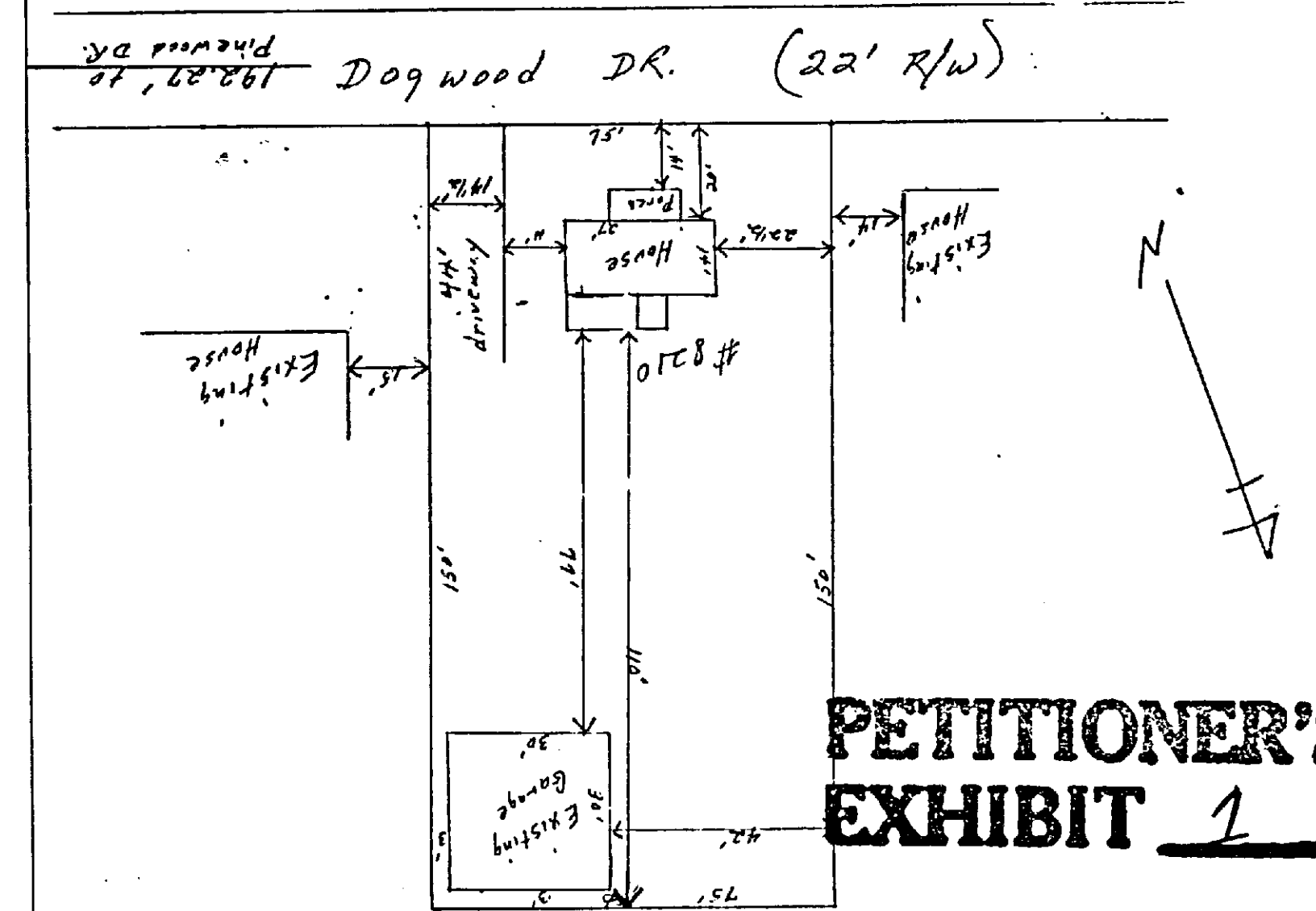
REVIEWER: Paul H. Reincke 10-10-88
Special Inspection Division

NOTED &
APPROVED: _____
Fire Prevention Bureau

/s/



2-88 Revised plans by T.S. Sullivan per applicant's info. - R.R. McMillan



Plat for a Zoning Variance
Owner: Robert R. & Sherrie L. McMillan Jr
Zoning: DR-5.5
Subdivision: Rosewald Beach, Lots 264, 265 & 266
Plat Book 10 Folio 88
Lot size: 11,250 sq. ft.
Existing Utilities in Dogwood Dr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
TO: _____ Date: December 7, 1988
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 89-214-A (Hottinger); 89-216-SPHA (Grebe); 89-219-SPHA (Powell); 89-222-SPH (Lawrence); 89-227-A (Sten); 89-232-A (McMillan); 89-231-A (Seven Courts); 89-242-A (Bacharach); and 89-244 (Dinkel) 89-210-SPH (Bell)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/st

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

January 4, 1989

Mark A. Faber, Esquire
8 E. Mulberry Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
NE/S Dogwood Drive, 192.27' W of Pinewood Drive
(8210 Dogwood Drive)
12th Election District - 7th Councilmanic District
Robert R. McMillan, Jr., et ux - Petitioners
Case No. 89-232-A

Dear Mr. Faber:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Kaciliffe at 494-3391.

Very truly yours,

J. Robert Haines

89-232-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
27th day of October, 1988.

Petitioner: Robert R. McMillan, Jr., et ux
Petitioner's Attorney: Mark A. Faber
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3354

October 28, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 124, (129) 130, 131, 132, 133, 134, 135, 136, 138, and 139.

Very truly yours,

Michael S. Flanagan
Engineering Associate

MSF/lw

RECEIVED
NOV 9 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: October 25, 1988
FROM: Mr. Robert W. Sheesley
SUBJECT: McMillan Property - Item #129
Petition for Zoning Variance

Subject property is located at 8210 Dogwood Drive in Rosewald Beach. Lots 264, 265 and 266. The site is within the Chesapeake Bay Critical Area and is classified as Intensely Developed Area.

The applicant has filed for a zoning variance to allow an accessory structure (garage) with a height of 17 feet 6 inches in lieu of the permitted 15 feet.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >.

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

RECEIVED
OCT 27 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc:

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Mark A. Faber, Esquire
8 East Mulberry Street
Baltimore, MD 21202

RE: Item No. 129; Case No. 89-232-A
Petitioner: Robert R. McMillan, Jr., et ux
Petition for Zoning Variance

Dear Mr. Faber:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a hearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:scj

Enclosures

Memo to Mr. J. Robert Haines
October 25, 1988
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you require additional information.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg

Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from MD WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Mid WRA, 1985)

